

UNITED STATES DISTRICT COURT
for the
Southern District of Indiana

United States of America

v.

Tyrie Smith

Case No: 1:10CR00003-014

USM No: 10413-089

Date of Original Judgment: 12/20/2010

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Juval Scott

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)



Except as otherwise provided, all provisions of the judgment dated 12/20/2010 shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/17/2012

Judge's signature

Effective Date: _____
(if different from order date)

The Honorable Sarah Evans Barker

Printed name and title

* Unless otherwise indicated, the effective date of this order shall be ten (10) days after order date.

Addendum to Order Pursuant to 18 U.S.C. § 3582(c)

Cause No. 1:10CR00003-014

Defendant Tyrie Smith

As directed by 18 U.S.C. § 3582(c)(2), the Court has considered the relevant factors in U.S.S.G. § 1B1.10(b) and 18 U.S.C. § 3553(a), and determined a sentence reduction is not appropriate for the following reason(s):

- _____ 1) The defendant is not eligible for a reduction because the amendments listed in subsection (c) of U.S.S.G. § 1B1.10 are not applicable to the defendant.
- ☒ 2) The amendment is listed in subsection (c) of U.S.S.G. § 1B1.10 and is applicable to the defendant, but it does not have the effect of lowering the defendant's applicable guideline range (e.g. a statutory mandatory minimum term of imprisonment, binding plea agreement, career offender status).
- _____ 3) The defendant is eligible for a reduction under this amendment, but the Court has determined such a reduction is not appropriate because of the nature and seriousness of the danger to any person or the community that may be posed by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- _____ 4) The defendant is eligible for a reduction under this amendment. However, the Court has determined the post-sentencing conduct demonstrates the defendant may pose a danger to any person or the community by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- ☒ 5) Other (explain)

The defendant's guideline range is determined by the mandatory minimum and is not lowered as a result of this amendment.

A CERTIFIED TRUE COPY

Laura A. Briggs, Clerk
U.S. District Court
Southern District of Indiana



By Amelia J. Solimanian
Deputy Clerk